REMARKS/ARGUMENTS

Applicants respectfully request further examination and reconsideration in view of the amendments above and the arguments set forth fully below. Claims 1-27 were previously pending in this application. Within the Office Action, Claims 1-27 have been rejected. By the above amendments, Claim 27 has been amended. Accordingly, Claims 1-27 are currently pending.

Rejections Under 35 U.S.C. § 102

Within the Office Action, Claims 1-27 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Pub. No. 2005/0108754 to Carhart et al. ("Carhart"). The Applicants respectfully disagree. Carhart does not teach prefetching and storing an initial portion of a content item in a temporary storage cache, where the content item is a data file having a defined beginning point and ending point. Also, Carhart does not teach seamlessly transitioning a data stream of the initial portion of the content item to a real-time stream of the entire segment of the content item.

Carhart teaches a content application that provides user customization of radio channel selections. The content distribution architecture includes a publisher 402 that programs and distributes audio content over a distribution network 404 to a station 100 or a portable device 200. Audio content received by the station 100 is "cached on hard drive 108 and loaded into memory 106 while being played" (Carhart, paragraph 0030). Each station 100 has a synchronization interface 122 used to transfer content from the station 100 to another device, such as the portable device 200 (Carhart, paragraph 0033). Each portable device 200 includes a network/synchronization interface 210 used to link with the synchronization interface 122 of the station 100 (Carhart, paragraph 0036). Media content is organized into channels, as in a radio channel that is well known in the art. Each channel provides a series of programs according to a defined genre. A program is a song, an advertisement, a news segment, a talk segment, or the like, each having a defined beginning point and an end point (Carhart, Figure 7A, 7B, and 8; paragraph 0062). At least one entire program for each channel is stored in the station 100 (Carhart, paragraphs 0062-0070). Only entire programs are cached. For preferred channels, more than one program is stored. Carhart does not teach prefetching and storing an initial portion of a content item in a temporary storage cache, where the content item is a data file having a defined beginning point and ending point. When the user selects a specific channel to

listen to, the audio content corresponding to the selected channel is retrieved from hard disk 108 to memory 106 from where it is played. Carhart does not teach seamlessly transitioning a data stream of the initial portion of the content item to an entire segment of the content item.

Within the Office Action, the channels of Carhart are compared to the claimed content items. The channels of Carhart are a series of "programs". Each program is a data file, such as a song, advertisement, or news clip (Carhart, paragraph 0085). Although each program has a defined beginning point and end point, the channel itself does not, as the channel is a continuing stream of programs. One or more of the programs are cached in their entirety. As such, Carhart does not teach a content item, with a defined beginning point and end point, where only an initial portion is prefetched and stored. Carhart instead teaches a program where the entire data file is prefetched and stored.

Within the Office Action, it is contended that Carhart teaches seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. The "network/synchronization interface 210" of Carhart is cited as teaching this limitation. Because the claimed element that performs the transistioning from the initial portion to the entire segment of the content item is called a stream "synchronizer", an element of Carhart has merely been cited that includes the term "synchronization", as in the network/synchronization interface 210, and the conclusion is reached that the two are the same. This is not the case. Although similar words or phrases are used within Carhart and the present invention, the definition and function associated with these terms is not the same. Carhart teaches "synchronization" in terms of network communications between two devices, and transmitting data from one device to the other. As used in Carhart, "synchronization" refers to the well known practice of synching two devices such that one device has the same data, or selected data, as the other device. An example of such a function is syncing an iPod™ with a personal computer to load the iPod™ with new or changed content from the iTunes™ application loaded on a personal computer. This syncing process can also be performed bi-directionally between two devices. Such a practice is used for example when syncing a personal digital assistant with a personal computer to exchange data between an email application on the personal digital assistant and an email application on an email server. Such "synchronization" applications, including the Carhart methodology, do not refer to "transitioning" between two different data streams.

Within the Office Action, the network/synchronization interface 210 and to paragraph 0081 of Carhart are referred to as teaching the claimed limitation of "seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content

item." However, element 210 merely provides the network interface to a communication network. Paragraph 0081 refers to the process of transferring cached audio content from one device (station 100) to another device (portable device 200). Paragraphs 0093 and 0094 of Carhart further describe this "synchronizing" process of transferring data from one device to another. In all descriptions, Carhart refers to a single data stream for transferring data between the two devices. There is no hint, teaching, or suggestion within Carhart as to the transitioning of a data stream between two different content sources, where the first content source is for a locally stored initial portion of a content item, and the second content source is the origination point (media server) for a stream of the entire content item.

In contrast to the teachings of Carhart, the present invention is directed to methods and apparatuses for streaming content. The content is presented such that a delay time between requesting the content and utilizing the content is minimized. The identity of the user is detected and a preference is identified corresponding to the user. A content item is then selected based on the preference and an initial portion of the content is pre-fetched and stored in a temporary storage cache. When a request is received for the content item, the initial portion is streamed from the temporary storage cache to a stream synchronizer, producing a resultant stream using the initial portion of the content item and seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. As described above, Carhart does not teach prefetching and storing an initial portion of a content item in a temporary storage cache, where the content item is a data file having a defined beginning point and ending point. Also, Carhart does not teach seamlessly transitioning a data stream of the initial portion of the content item to an entire segment of the content item.

The independent Claim 1 is directed to a method comprising identifying a preference, selecting a content item based on the preference, storing an initial portion of the content item in a temporary storage cache, receiving a request for the content item, streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, producing a resultant stream using the initial portion of the content item and seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. As described above, Carhart does not teach seamlessly transitioning a data stream of the initial portion of the content item to an entire segment of the content item. For at least these reasons, the independent Claim 1 is allowable over the teachings of Carhart.

Claims 2-10 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Carhart. Accordingly, the Claims 2-10 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 11 is directed to a system comprising means for identifying a preference, means for selecting a content item based on the preference, means for storing an initial portion of the content item in a temporary storage cache, means for receiving a request for the content item, means for streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, means for producing a resultant stream using the initial portion of the content item and means for seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. As described above, Carhart does not teach seamlessly transitioning a data stream of the initial portion of the content item to an entire segment of the content item. For at least these reasons, the independent Claim 11 is allowable over the teachings of Carhart.

The independent Claim 12 is directed to a method comprising storing an initial portion of a selected content item in a temporary storage cache, streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer, simultaneously loading an entire segment of the selected content item to the stream synchronizer while streaming the initial portion, producing a resultant stream comprising the initial portion of the selected content item and seamlessly transitioning the resultant stream from the initial portion of the content item to the entire segment of the content item. As described above, Carhart does not teach seamlessly transitioning a data stream of the initial portion of the content item to an entire segment of the content item. For at least these reasons, the independent Claim 12 is allowable over the teachings of Carhart.

Claims 13-18 are all dependent upon the independent Claim 12. As discussed above, the independent Claim 12 is allowable over the teachings of Carhart. Accordingly, the Claims 13-18 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 19 is directed to a system comprising means for storing an initial portion of a selected content item in a temporary storage cache, means for streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer, means for simultaneously loading an entire segment of the selected content item to the stream synchronizer while streaming the initial portion, means for producing a resultant stream comprising the initial portion of the selected content item and means for seamlessly transitioning the resultant stream from the initial portion of the content item to the entire segment of the

content item. As described above, Carhart does not teach seamlessly transitioning a data stream of the initial portion of the content item to an entire segment of the content item. For at least these reasons, the independent Claim 19 is allowable over the teachings of Carhart.

The independent Claim 20 is directed to a system comprising a media server configured for storing an entire segment of content, a client device configured for storing an initial portion of the content wherein the client device is configured to display the content by streaming a resultant stream from the initial portion of the content while simultaneously receiving the entire segment of the content and seamlessly substituting the entire segment of the content for the initial portion. As described above, Carhart does not teach seamlessly transitioning a data stream of the initial portion of the content item to an entire segment of the content item. For at least these reasons, the independent Claim 20 is allowable over the teachings of Carhart.

Claims 21-26 are all dependent upon the independent Claim 20. As discussed above, the independent Claim 20 is allowable over the teachings of Carhart. Accordingly, the Claims 21-26 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 27 is directed to a method comprising identifying a preference, selecting a content item based on the preference, wherein the content item is a data file having a defined beginning point and ending point, prefetching an initial portion of the content item, storing the initial portion of the content item in a temporary storage cache, receiving a request for the content item, streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, producing a resultant stream using the initial portion of the content item, and seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. As described above, Carhart does not teach prefetching and storing an initial portion of a content item in a temporary storage cache, where the content item is a data file having a defined beginning point and ending point. Also, Carhart does not teach seamlessly transitioning a data stream of the initial portion of the content item to an entire segment of the content item. For at least these reasons, the independent Claim 27 is allowable over the teachings of Carhart.

For the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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